

REMARKS

The final Office Action dated May 28, 2008 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1-11, 14, 15 and 20-74 are currently pending, claims 1-11, 14, 15, 20-54 and 62-74 stand rejected, and claims 55-61 stand withdrawn. Claims 1 and 64, 67, 72 and 73 have been amended. Accordingly, the application is in condition for allowance or at least better form for appeal. A Notice of Appeal was filed on November 18, 2008, and this response is being filed before the filing of an Appeal Brief. Reconsideration of this application in view of the above claim amendments and the arguments presented below is respectfully requested.

Claims 1-11, 14, 15, 20-41, 46-54, 63-74 stand rejected under 35 USC 112, first paragraph as allegedly failing to comply with the written description requirement. According to the Examiner, the claims purportedly contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the invention at the time the application was filed. *See Detailed Action at 2-3, paras. 3 & 4.* However, the Examiner only details the rejections under 35 USC 112 with respect to claims 64-74. Applicants respectfully requests that the Examiner provide the specific reasons for rejecting claim 1-11, 14, 15, 20-41, 46-54 and 63 under 35 USC 112 so that the applicants can fully respond.

With regard to claims 67 and 72-73, each of which recite, “ a face portion . . . the face portion consisting of a single flow opening,” the Examiner again contends that the claims do not comply with the written description because the disclosure, as originally filed discloses the face portion having several flow openings. *See Detailed Action at 2-3, par. 3.* As was explained in the earlier responses of record, shown in FIG. 6 of the application as filed is a planar blank 40’,

which is bent to form deflector 40 of FIGS. 1 and 3-5. Specifically shown is that the blank 40 has a single opening framed in part by arms 52' and 54'. Thus, it was argued that the description provides support for the rejected claims 67 and 72-73.

The Examiner found the argument unpersuasive in view of the language of claim 67 which recites the two support arms that are not elements of the face portion. *See Detailed Action* at 7-8. The Examiner has therefore maintained that, "the only flow openings defined by the face portion are the spaces between the tines on the face portion." *See id.* Although claim 67, as presented, is believed to be supported by the written description, claim 67 has now been amended to clarify what features of the deflector are being claimed. Claim 67 now recites a deflector consisting of a single opening including a face portion, a canopy portion, and "two support arms coupling the canopy and the face portion to define the single flow opening." Claims 72 and 73 have been amended in a similar manner. Withdrawal of the rejection is respectfully requested.

According to the Examiner, claim 64-74 remain rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement, and claims 64-74 remain rejected under 35 USC 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 64 recites a means for transforming and delivering, a dual function according to the Examiner. *See Detailed Action* at 2, para 3. The Examiner further asserts that the disclosure, as originally filed, purportedly fails to teach a structure which performs the dual function, and thus, claim 64 and the claims depending therefrom allegedly fail to comply with the written description requirement. Moreover, the Examiner states at page 3 of the Detailed Action, that the metes and bounds of the claims cannot be determined because the specification

purportedly does not disclose a structure which performs the dual function. *See* Detailed Action at 3, para. 4.

“To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention.” MPEP 2163 at 2100-172 (8th ed., rev. 7). Possession may be shown with an actual reduction to practice of the claimed invention, and may also be shown by a clear depiction of the invention in detailed drawings. *See id.* at 2100-178. The application as originally filed provides in the Brief Summary of the Invention, a “deflector being shaped and positioned to transform water discharged horizontally from the outlet upon release of the closure by the trigger” *See* Application as Originally Filed at 2, lines 11-12 (emphasis added). At page 9 of the application as originally filed, described is the deflector 40 with frame 11 having “been shown to be capable of controlling ordinary hazard fires over rectangular extended coverage areas of between 16 x 16 feet (256 square feet) and 16 x 20 (320 square feet) by being able to deliver a sufficiently uniform distribution of water over that area where such water is supplied to the sprinkler 10 at a pressure which causes the sprinkler to discharge the water at a rate of at least 0.15 gallons per minute per square foot (GPM/ft.²) of the coverage area to be protected.” *See id.* at 9, line 18 to 10, line 1 (emphasis added). Thus the specification and its detailed description, as originally filed, provide support for the purported dual function.

Moreover, at page 11, line 5 to page 13, line 4, described with reference to FIGS. 12-14 is discussed a sidewall sprinkler system in which structure corresponds to the claimed means of claim 64. In view of the detailed description provided by the application as-originally filed, so as to indicate to one of ordinary skill in the art that the inventors had possession of the invention as

claimed, applicants respectfully request withdrawal of the rejection. In addition, the cited passages of the specification as originally filed, are sufficient to identify the structure which define the claimed means plus function so that the metes and bounds of the claim can be determined.

Claims 64-74 also stand rejected under 35 U.S.C. 112, second paragraph, as purportedly failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. As discussed above, the application as originally filed describes detailed structure that corresponds to the claimed means for performing the “dual function” as asserted by the Examiner. If the corresponding structure, material or acts are described in the specification in specific terms and one skilled in the art could identify the structure, material or acts from the description, then the requirements of 35 U.S.C. 112, second and sixth paragraphs are satisfied. *See* MPEP 2181 Pt. III at 2100-239.

The Examiner has not alleged that one of ordinary skill in the art could not identify the corresponding structure. In fact, the Examiner acknowledges that the specification describes at pages 2, and 9-10 that the deflector 40 and frame 11 capable of “controlling ordinary hazard fires over rectangular extended coverage areas . . . to deliver a sufficiently uniform distribution of water . . .” *See* Detailed Action at 8, para. 7. Rather, the Examiner asserts that, “[t]he deflector and frame 11 in themselves cannot perform the functions.” *Id.* According to the Examiner, “the sprinkler system requires the deflector plus a properly sized passage 13 and supply pressure capable of providing the proper K-factor to achieve the coverage area.”

The applicants believe that independent claim 64 and the claims depending therefrom do satisfy the requirements of 35 USC 112, first and second paragraph. However, to advance prosecution and clarify the claim language, claim 64 has been amended to recite, an extended

coverage sidewall automatic fire sprinkler comprising, among other features, “means for dispersing water discharged horizontally from the outlet into a spray pattern of water droplets over a generally horizontal, generally rectangularly-shaped extended coverage area of more than one hundred square feet located on one side of the sprinkler effective to control an ordinary hazard fire in the coverage area and at an average density of about 0.15 gallons per minute per square feet.” Accordingly, claim 64 no longer recites a “dual function,” and instead recites a single function of “dispersing water.” The amendment and “means for dispersing water” is supported by the application as originally filed, for example, at page 9, line 18 to page 10, line 5. Withdrawal of the rejections is respectfully requested.

Claims 1-11, 14, 15, 20-54, 62 and 64-74 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,296,816 to Fischer (“Fischer”) in view of U.S. Patent No. 5,810,263 to Tramm (“Tramm”). Claims 63 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Tramm, U.S. Patent No. H121 to Pieczykolan (“Pieczykolan”) and U.S. Patent No. 5,727,737 to Bosio et al. (“Bosio”). Applicants again respectfully traverse the rejection of these claims as being obvious because there is no motivation, suggestion or identified reason to modify or combine Fischer with Tramm alone or in view of Pieczykolan and Bosio. Moreover, Fischer even in view of Tramm, still fails to teach or suggest specified features of the claimed invention. Because there is no motivation suggestion or identified reason to combine Fischer and Tramm and because all of the claimed features are not taught by the combination, a *prima facie* case of obviousness cannot stand.

To support the obviousness rejection, the Examiner asserts throughout the Office Action that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sprinkler of Fischer with the purported teachings of Tramm. The Examiner’s

proposed combination of references was made having apparently considered, yet finding unpersuasive, the Declaration of Michael A. Fischer. Despite the Examiner's discount of the Declaration, applicants again emphasize that Mr. Fischer states that he (as one of more than ordinary skill in the art and inventor of the sprinkler of Fischer) would, at the time the invention was made, not have known how to modify the sprinkler shown and described in Fischer with the teachings of Tramm to reach applicants' invention. Consequently, a person of ordinary skill would not have been suggested, motivated or had an identified reason to modify the sprinkler shown and described in Fischer with the teaching of Tramm, as proposed by the Examiner, to reach the claimed invention as a whole so as to support a *prima facie* case of obviousness.

With regard to finding a motivation for the combination of Fischer and Tramm, the Examiner cites to Tramm as describing "determining flow rates depending on application" *See* Detailed Action at 8 (citing Tramm, col. 5, lines 44-56, which states that, "the concept of this invention can be applied to horizontal-type sprinklers specially listed for other protection areas, minimum flow rates, and/or locations and distances between sprinklers when found suitable for such use.") Applicants however, again respectfully remind the Examiner, "[t]he mere fact that the references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" MPEP 2143.01 Pt. III at 2100-128 to 2100-140. As has been previously noted, Tramm seeks to distinguish itself from Fisher. Tramm cites Fischer as an illustrative horizontal-type sprinkler. *See* Tramm, col. 1, lines 35-43. Tramm describes typical horizontal-type sprinklers as having substantially horizontal flow confining elements in which the confining surface is located "downstream (forward)" of the deflector mounting boss. *See id.*, col. 1, lines 35-43; col. 3, lines 33-37. Tramm, in contrast, describes a sprinkler having a deflector "rearward" of the deflector mounting

boss to improve the over-all appearance of Tramm's sprinkler over "conventional technology horizontal-type sprinkler deflectors." *See id.*, col. 8, lines 13-23. In view of this difference or conflicting teaching between Tramm and Fischer, the Examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art in the obviousness analysis, considering the extent to which one might accurately discredit another. MPEP 2143.01 Pt. II at 2100-139. Applicants submit that the contrasting teachings between Tramm and Fischer weigh against their combination as proposed by the Examiner.

Moreover, the applicants respectfully remind the Examiner that a prior art reference must be considered in its entirety, including portions that lead away from the claimed invention. MPEP 2141.03 Pt. IV at 2100-126. Where the claims of the instant application are directed to a sprinkler having a forward facing deflector, Tramm teaches away from the claimed invention. Tramm specifically teaches a deflector in which, "the substantially horizontal flow containing element 48 is substantially rearward of deflector mounting surface 25 of deflector mounting boss 26." *See* Tramm, col. 8, lines 13-16. Applicants submit that none of the cited references: Fischer, Tramm, Pieczykolan, and Bosio, whether taken alone or in combination, show, describe, teach or suggest applicants' invention as a whole or provide an identifiable reason for their combination, and therefore, for at least the above reasons of record, the pending claims are patentable over the cited art.

Claim 1, 20, 24, 25, 42, 45-48, 50 and 63 were previously amended to generally recite a sidewall automatic fire sprinkler comprising, among other features, a deflector having a first arm, a second arm and a canopy portion having a free end defining a linear profile extending the entire length between the first and second arms. Applicants submit that Fischer, whether taken alone or in combination with Tramm, Pieczykolan or Bosio (in the absence of an identified

reason for such a combination), fails to show or describe or otherwise teach or suggest a deflector having a canopy portion with a free end as claimed. Instead, the deflector plate 38 of Fischer has a canopy or confining element 62 extending outward horizontally (perpendicular to the vertical plane of the hub). *See* Fischer at col. 3, lines 18-20, FIG. 3. According to Fischer, “[t]he confining element [62] is upwardly deformed at its downstream center to form channel 90, which extends upstream from downstream end 91 of element 62.” *See id.* at col. 3, lines 23-25, FIGS. 3 & 4 (emphasis added). Accordingly, Fischer does not show or describe the claimed canopy portion having a free end defining a linear profile extending between a first arm and a second arm. Moreover, to the extent any one of Tramm, Pieczykolan or Bosio show or describe a canopy portion having a free end with a linear profile extending between a first and second arm, there is no suggestion or motivation to modify Fischer with such a teaching because to do so would change the principle of operation of Fischer.

According to Fischer, “[c]hannel 90 functions as a Coanda effect surface. . . . [I]t actually lifts upward the central stream, which is traveling horizontally (parallel to the undersurface of element 62).” *See* Fischer at col. 4, lines 24-32. Thus, to modify the deflector plate 38 of Fischer to have a canopy portion with a free end defining a linear profile as claimed, would change the principle of operation of Fischer, and therefore there is no teaching or suggestion to do so. *See* MPEP 2143.01, Pt. VI at 2100-141. (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teaching of the references are not sufficient to render the claims *prima facie* obvious). Because Fischer alone or in combination with Tramm, Pieczykolan or Bosio (in the absence of an identified reason for such a combination) fails to teach or suggest the claimed deflector and therefore fails to teach or suggest the invention as whole, a *prima facie* case of

obviousness cannot be established. *See* MPEP 2143.01 at 2100-141. Applicants respectfully request withdrawal of the rejections of claims 1, 20, 24, 25, 42, 45-48, 50 and 63.

The Examiner argues that Fischer “discloses that with channel 90 cut away along boundary 95, ‘the sprinkler performed much the same as it did with no channel and an entirely flat confining element.’” *See* Detailed Action at 9, para. 7 (citing Fisher at col. 4, lines 33-37).

With regard to its channel 90, Fischer more specifically states:

Channel 90 functions as a Coanda effect surface; the central portion of the stream remains attached to the undersurface of the channel, and is thereby lifted upward. The channel does not function like a notch cut in element 62 to merely permit a stream already travelling in an upwardly inclined direction to continue along its trajectory. Instead it actually lifts upward the central stream, which is travelling horizontally (parallel to the undersurface of element 62). Experiments confirm this conclusion. When a sprinkler was tested with element 62 cut away along boundary 95, ***the improved performance achieved with the channel was not repeated. Instead the sprinkler performed much the same as it did with no channel and an entirely flat confining element.***

Fischer, col. 4, lines 24-37 (emphasis added). To reiterate, it is applicants’ position that to modify the canopy of Fischer with a free end as claimed would alter the principle of operation of Fischer such that there can be no teaching or motivation to make such a modification in order to establish a *prima facie* case of obviousness. *See* MPEP 2143.01 at 2100-141 (Rev. 5, Aug. 2006). Thus, the description in Fisher supports applicants’ argument that modifying the Fischer canopy with a free end as claimed alters the principal of operation of Fischer’s sprinkler such that the sprinkler fails to repeat the “improved performance” of the Fischer sprinkler with the channel 90. Accordingly, the Examiner’s proposed combination/modification of teachings of Fischer, Tramm, Pieczykolan or Bosio are insufficient to render the claims *prima facie* obvious.

Applicants have further amended claim 1 to particularly point out the subject matter of the invention. In particular, claim 1 has been amended to recite, an extended coverage sidewall

automatic fire sprinkler comprising, among other features, a tubular body with a central passageway and a central axis and a deflector at a discharge end of the sprinkler,

the deflector being symmetrical about a vertical plane passing through the central axis, the deflector including a first arm, a second arm and a generally planar face portion generally orthogonal to the central axis, the face portion having an upper face portion and a lower face portion, the upper and lower face portions being divided by a horizontal plane passing through the central axis and orthogonal to the vertical plane, the upper face portion further including an upper edge, the lower face portion being further defined by a peripheral edge of the face portion, the peripheral edge defining the lower face portion including a first linear portion that extends parallel to the vertical plane and a second linear portion that extends parallel to the horizontal plane, the first and second linear portions being orthogonal to one another so as to define a centralized lower face portion centrally aligned along the vertical plane and below the horizontal plane, the deflector further including a canopy portion spaced from the upper edge of the upper face portion such that the upper face portion has a single opening in the deflector between the canopy portion and the upper edge, the opening being located above the horizontal plane, the canopy portion being supported by the first and second arm and being coupled to the face portion at a first canopy end and extending generally along the central axis away from the outlet towards a free end.

The amendments to independent claim 1 are supported by the application as filed, for example, from page 8, line 5 to page 11, line 4, FIGS. 3-11. Based upon the figures and associated text, the specification has been amended, as provided above, to insert a new paragraph at page 9 of the application as filed. Applicants submit, in view of the above remarks, that none of the cited references: Fischer, Tramm, Pieczykolan, and Bosio, whether taken alone or in combination, show, describe, teach or suggest each and every feature of the deflector as claimed. In particular, Fischer does not have a deflector with an upper face portion having a single opening located above a horizontal plane passing through the central axis of the sprinkler. Rather, the sprinkler of Fischer has a deflector with multiple openings above a horizontal plane passing through the central axis of the Fischer sprinkler. More specifically, Fischer shows in FIG. 3, a frontal view of the deflector with slots 77 centrally aligned along the horizontal plane passing through the central axis of the sprinkler. *See* Fischer, FIG. 3. Accordingly, Fischer has

more than a single slot in an upper face portion of the deflector. In addition, claim 1 requires that the face portion of the deflector be generally orthogonal to the central axis. Fischer in contrast, has a tine 74 of the face portion that is bent at an angle relative to a plane orthogonal to the central axis.

Amended claim 1 recites other features that are not present in the applied references. For example, amended claim 1 recites that the lower face portion of the deflector is defined by a peripheral edge, “the peripheral edge defining the lower face portion including a first linear portion that extends parallel to the vertical plane and a second linear portion that extends parallel to the horizontal plane, the first and second linear portions being orthogonal to one another so as to define a centralized lower face portion centrally aligned along the vertical plane and below the horizontal plane. Neither Tramm nor Fischer have a centralized lower face portion as claimed. Instead, each of the deflectors of Tramm and Fischer have a slot in the region beneath the horizontal plane and centrally aligned along the vertical plane. *See* Fischer, col. 3, lines 5-7, FIG. 5 (“slot 80”); *see also* Tramm, FIG. 3. Moreover, neither reference shows or describes a centralized lower face portion defined by first and second linear portions of the peripheral edge that are orthogonal to one another.

Applicants submit that, in view of the above amendments and remarks, the cited references: Fischer, Tramm, Pieczykolan, and Bosio, whether taken alone or in combination, fail to show, describe, teach or suggest applicants’ invention as a whole or provide a reason for their combination, and therefore, at least amended claim 1 and the claims depending therefrom are patentable over the cited references. Applicants maintain that claims 20, 24, 25, 42, 45-48, 50 and 63 are patentable over the cited art for reasons already of record and reiterated above. Claims 21-23 depend directly or indirectly from claim 20; claims 26-41 depend directly or

indirectly from claim 25; claim 49 depends from claims 45-48; claims 51-54 depend directly or indirectly from claim 50. Accordingly, claims 21-23, 26-41, 49, 51-54 and 62 are patentable for at least the same reason.

With regard to the rejection of claims 64-74 as being unpatentable over Fischer in view of Tramm, amended claim 64 recites an extended coverage sidewall automatic fire sprinkler comprising, among other features,

means for dispersing water discharged horizontally from the outlet into a spray pattern of water droplets over a generally horizontal, generally rectangularly-shaped extended coverage area of more than one hundred square feet located on one side of the sprinkler effective to control an ordinary hazard fire in the coverage area and at an average density of about 0.15 gallons per minute per square feet when the sidewall fire sprinkler is paired with an identical sidewall fire sprinkler mounted approximately sixteen feet apart on a generally planar wall surface, the collection area being approximately sixteen feet between the sprinklers and sixteen feet away from one of the sprinklers, the collection area being located at either one of a distance of about thirty-six inches and a distance of approximately six feet and 7.5 inches below each of the sidewall fire sprinklers.

thereby invoking 35 U.S.C. 112, sixth paragraph. Applicants respectfully remind the Examiner that application of a prior art reference in the examination of a means-plus-function claim limitation requires that the applied prior art element perform the identical function specified in the claim. *See* MPEP 2183. If the prior art reference teaches identity of function, the Examiner then has the initial burden of proof for showing that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claimed means or step plus function. *Id.* Applicants again respectfully reiterate that the Examiner has not satisfied this initial burden of proof. Instead, the Examiner states in response to arguments previously presented that functional recitations of delivering water to a collection area at an average density of about 0.15 gallons per minute per square feet, for example as recited in claim 64, “merely recites the ability to so perform.” *See*

Detailed Action at 6, para. 5. Applicants submit that the Examiner's response neither demonstrates that the applied prior art performs the identical function in the claims nor does it show that the prior art is the same or equivalent to the structure in applicants' specification corresponding to the claimed means.

Amended claim 64 presents the "functional recitation" of "dispersing water . . . at an average density of about 0.15 gallons per minute per square feet when the sidewall fire sprinkler is paired with an identical sidewall fire sprinkler mounted approximately sixteen feet apart on a generally planar wall surface" in means-plus-function format. In order for the Examiner to apply any of the cited references to claim 64, the Examiner must determine that the cited references perform the identical function specified in the claim; the Examiner has yet to do so. Instead, the Examiner asserts in the Office Action, with regard to the "functional recitation," that "[t]he device of Fischer in view of Tramm discloses the structural limitations of applicants' claimed invention, and therefore, it too has the capability to so perform" the claimed function. *See* Detailed Action at 6. Accordingly, the Examiner's assertions to date are insufficient in the examination of a means-plus-function claim limitation. *See* MPEP 2183.

Applicants again contend that Fischer does not show or describe any specific water density in gallons per minute per square feet to be provided over a protection area. Thus, Fischer does not show or describe the claimed function, and thus, Fischer is not an applicable reference in the examination of claim 64. Tramm, however, does describe at col. 2, lines 6-17 "standards or guidelines" used by each listing organization for evaluating horizontal-type sprinklers which include, "established requirements for: minimum amount of water which must be collected, per unit time, in specified areas (i.e. density) under and between the sprinklers." To the extent this description in Tramm provides the identity of the claimed functional limitation, applicants

contend that Tramm does not show or describe structure that is the same or equivalent to structure described in applicants' specification corresponding to the claimed function.

Applicants' specification as originally filed discloses at least a deflector 40, 140 as structure corresponding to the claimed means. Shown in applicants' FIG. 7 as originally filed, for example, is the canopy portion 144 of the deflector 140 extending distally from the outlet of the sprinkler. In contradistinction, Tramm shows a deflector 22 as being rearward facing. i.e. the flow containing element 48 of the deflector 22 is substantially rearward the deflector mounting surface. *See* Tramm, col. 8, lines 13-18, FIGS. 1 and 3. Arguably, Tramm's rearward facing deflector and applicants' disclosed "forward" facing deflector are neither the same nor the equivalent. Specifically, Tramm distinguishes its rearward facing deflector from "conventional horizontal-type deflectors" by noting that the rearward facing deflector provides for a deflector with an over-all reduced length, which according to Tramm is "less obtrusive, especially when mounted inside of a recessed escutcheon." *Id.* Because Tramm fails to show or describe structure that is the same or equivalent to applicants' structure that corresponds to the claimed means, Tramm alone, at the least, fails to satisfy the requirement of the means-plus-function claim limitation.

To the extent that the Examiner believes that the hypothesized combination of Fischer in view of Tramm provides the claimed function and further teaches or suggests structure that is the same or equivalent to the structure described in applicants' specification corresponding to the claimed means, this argument cannot stand. As discussed above, there is no motivation, suggestion or identified reason to combine these references, and the references, singularly or in combination, fail to teach or suggest the claimed invention as a whole. Accordingly, applicants respectfully submit that claim 64 is patentable, and because of their dependencies from claim 64,

claims 65-74 are also patentable. Furthermore, claims 65-74 recite structural features that are encompassed by the corresponding structure and equivalents thereof provided by the means-plus-function claim limitation; that is: (1) a forward facing canopy, i.e. away from the outlet and towards a free end, as recited in claims 65, 66, 68, 69, 70, 74; (2) a generally flat canopy surface for deflector, as recited in claims 67, 68, 71; and (3) a deflector that has only a single flow opening, as recited in claims 67, 72, 73. Accordingly, the combination of Fischer and Tramm fails to teach or suggest applicants' invention claimed in claims 65-74 as a whole.

CONCLUSION

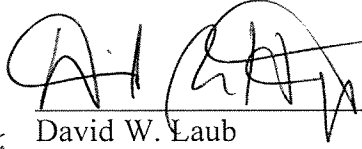
In view of the foregoing amendments and remarks, applicants respectfully request reconsideration of this application and the prompt allowance of at least claims 1-11, 14-15, 20-54, and 62-74. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Date: April 9, 2009

Respectfully submitted,

Patent Administrator
Proskauer Rose LLP
1001 Pennsylvania Avenue, NW
Suite 400 South
Washington, DC 20004-2533
Telephone: 202.416.6800
Facsimile: 202.416.6899

 (REG. No. 38,708)
for: David W. Laub
Attorney for Applicants
Reg. No.: 38,708

CUSTOMER NO: 60708